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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/036,143

12/26/2001

Stanley A. McClellan

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EXAMINER

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HEWLETT PACKARD COMPANY

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INTELLECTUAL PROPERTY ADMINISTRATION

FORT COLLINS, CO 80527-2400

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,143

Applicant(s)

MCCLELLAN, STANLEY A.

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 24-30, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 23 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "devices...connected to the cable" (claim 3), "EEPROM" (claim 8), "portable (reader) instrument" (claim 10), the visual signal being "coupled to the proximity key" (claim 15) or "coupled to the proximity key reader" (claim 16), and the "database" (claims 22 and 30) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claim 17 is objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At the end of claim 17, "the network device" lacks antecedent basis.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21, 24-25, 29 and 32-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 21 and 29, "the opposite end of the cable" is indefinite, as there is no previous recitation of "a first end" (or simply "an end")--see base claims 18 and 26--with respect to which the "opposite end" would be defined.

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In claims 24-25 and 32-33, the terms "network documentation tasks" or "network configuration tasks" are indefinite, as there is no previous recitation of a "network" (or of at least one component of a "network")--see base claims 18 and 26--whereby it is unclear how the "proximity key" and/or the "cable" pertain to such a "network" or its various "tasks".

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 9, 12, 18, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Eslambolchi et al (US 5844405), or in the alternative under 35 U.S.C. 102(e) as being anticipated by Stanescu (US 6784802, eff. date no later than 11/6/00).

Claims 1, 18, 26

Eslambolchi et al teaches attaching RF tags 18 ("electronic markers") to a cable 14 (i.e., "utility conveyance"), and reading the RF tags with a device 32 (i.e., "locator") which emits an RF signal, and receives a reply RF signal from each tag "containing information indicative of the conveyance" to which the tag is attached (see Fig. 1 and the Abstract). Each tag 18 contains an EPROM 24 (see Fig. 2 and col. 3, lines 5-8) containing the conveyance/ cable "information", the nature of which is specified in the table shown in col. 3. Thus, with respect to claims 1, 18 and 26, Eslambolchi et al discloses a cable identification system and method of managing cables, comprising a cable 14 and a proximity key 18 coupled to the cable and storing (at 24) information regarding the cable; the aforementioned RF "locator" 32 corresponds to the recited "means for receiving" the cable information from the RFID transponders.

Stanescu teaches attaching RFID transponders to each end plug, or "connector", of a cable, or "patch cord" (see col. 4 lines 15-16), and providing RFID readers (or "sensors") at the connection points ("ports", "jacks") of one or more cable ends (note "PCB Reader" in Fig. 1, where a "reader antenna" is attached to each port or jack--see col. 4, lines 17-19), the readers being connected to a central monitoring system (note the networked components shown in Figs. 1-2), such that the presence of a particular cable end at a particular connection point is "detected and recorded" by the central monitoring system (see the Abstract). Each RFID transponder stores "information about the cable" to which it is connected (see col. 5, lines 61-63). Thus, with respect to claims 1, 18 and 26, Stanescu discloses a cable identification system and method of managing cables, comprising a cable (an end of which is shown at the left edge of Fig. 1) and a proximity key ("RFID transponder") coupled to the cable and storing information regarding the cable; the aforementioned RFID readers or "sensors" correspond to the recited "means for receiving" the cable information from the RFID transponders.

Regarding claim 9, each of Eslambolchi et al and Stanescu discloses a "proximity key reader" (i.e., the locator 32, having a receiver 36 and processor 38, in Eslambolchi et al; and the "PCB Reader" in Stanescu).

Regarding claim 12, each of Eslambolchi et al and Stanescu discloses at least one "control unit" for receiving "information" from the proximity key(s) via the proximity key reader, note processor 38 in Eslambolchi et al and the Local Monitoring Unit, Central Monitoring Unit, etc. in Stanescu.

7. Claims 2, 10, 19 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Eslambolchi et al.

Regarding claims 2, 19 and 27, among the information stored in the EPROM 24 of tag 18 in Eslambolchi et al is the "type of conveyance" (col. 3, line 11), i.e. the "type of cable" (see the last line of the table in col. 3); thus, Eslambolchi et al at least implicitly teaches "identifying" the cable per se (note processor 38 associated with locator 32, and the further teaching that a "particular conveyance" can be identified--col. 3, line 47 to col. 4, line 3).

Regarding claim 10, reader 32 ("locator") is a "portable instrument".

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8. Claims 4-7, 11, 13-14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Stanescu.

Regarding claims 4-5, at col. 5, lines 52-55 Stanescu teaches that the "transponder" (proximity key) may be "embedded" in the cable (i.e., an "integral part" thereof), or may be "simply wrapped around" an end of the cable (i.e., "removably coupled" thereto).

Regarding claims 6-7, at col. 5, lines 56-59 Stanescu teaches that the "transponder" (proximity key) may be "factory installed and programmed" (i.e., with data stored "at the time of manufacture"), or may be "programmed at installation" (i.e., with data stored "after the time of manufacture").

Regarding claim 11, the proximity key reader (i.e., "PCB Reader") in Stanescu is coupled to a "network device" (Local Monitoring Unit or LMU, Fig. 1, which is in a "network" with the Central Monitoring Unit, best shown in Fig. 2).

Regarding claims 13, 14 and 16, Stanescu teaches providing LEDs which are respectively "attached to each port" of the PCB Reader (and thus the LEDs are "coupled to" the corresponding proximity key reader), for indicating whether a cable connection at that port or jack is proper or improper (see col. 5, lines 11-19 and 33-35).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 8, 15, 17, 20-22 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanescu.

Regarding claims 3, 20-21 and 28-29, Stanescu further teaches that the central monitoring system (or "computer") carries out a "real time data collecting and monitoring system" (col. 4, lines 59-60) such that, after "recogniz(ing)" the connection points (or "ports") to which each of the tagged cable ends are connected, the system checks to see if the tagged cable ends "match

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previously input addresses" (see col. 4, line 66 to col. 5, line 3)--i.e., whether or not each of the tagged cable ends is connected to an appropriate connection point or port; thus, Stanescu is concerned with whether the cable ends are properly connected to a given "network device(s)", and/or which devices may properly be connected by the cable ends. Therefore, it would have been obvious (if not an inherent aspect of Stanescu) for the "information stored by the key" to "identif(y) the devices that can be connected by the cable" as recited in claim 3, and for "the proper connection of (either end of) the cable to a network device" to be determined "based on the information received from the proximity key" as recited in claims 20-21 and 28-29.

Regarding claim 8, although Stanescu fails to disclose a particular memory device for storing (or "programming") data in the transponder, one skilled in the art would have recognized that various data storage devices were known for use with electronic tag-type devices, of which an EEPROM is a conventionally known and advantageous type allowing for "programming" of desired data. Therefore, it would have been obvious to provide the transponders of Stanescu with an appropriate data storage device, advantageously an EEPROM, as recited in claim 8.

Regarding claims 15 and 17, one skilled in the art would have recognized that the "visual signals" used to indicate proper (or improper) cable connections--such as the LEDs in Stanescu--can be physically incorporated with any desired structure associated with the cable connections (proximity key itself; proximity key reader; network device), for the purpose of suitably notifying a technician (or other personnel) as to any needed connection changes. (Stanescu further teaches providing alerts of such conditions over the network, e.g. at the network administrator--col. 5, lines 29-32.) Therefore, it would have been obvious to provide the "visual signal" at the proximity key itself and/or at an associated network device, as recited in claims 15 and 17.

Regarding claims 22 and 30, although not specified in Stanescu it would have been obvious (if not inherent) for the "Central Monitoring Unit" (see col. 4, lines 33-43 and col. 7, lines 8-44) to have associated therewith a "database" for storing relevant information therein regarding the cable(s) and/or proximity key(s), in order to accurately track "all the cabling information" that it receives.

Regarding claims 24-25 and 32-33, although not specified in Stanescu it would have been obvious for the "Central Monitoring Unit" (mentioned above) to perform various network

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"documentation" and/or "configuration" tasks, based on information received from the "proximity keys" (transponders) as well as the various other system "units" (LMU, FPU, etc. shown in the figures), as would have been appreciated by one of ordinary skill in the art, in order to properly maintain the "network" shown in Figs. 1 and 2. Stanescu does mention enabling a "system administrator" to make changes to the "current system configuration" (col. 7, lines 21-22).

11. Claims 23 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reddersen et al (US 5563402), Bayley et al (US 6717507), Black (US 5910776), Czosnowski et al (US 5764043) and Matz et al (US 5181858) are cited to further show the state of the art.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM


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